

REMARKS

The Office Action dated October 16, 2003 presents the examination of claims 1-10. The specification is amended. Support for the amendment is found on page 1, lines 17-18. Claim 11 is added. Support for claim 11 is found on page 5, line 25 to page 6, line 13 of the specification. No new matter is inserted into the application.

Rejection under 35 U.S.C. § 102

The Examiner maintains the rejection of claims 1-10 under 35 U.S.C. § 102(b) for allegedly being anticipated by JP-A-7,179,556 (JP '556). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

In the Reply filed on June 18, 2003, Applicants submitted a full translation of JP '556 and argued that JP '556 failed to disclose the preparation of polyurethane foam because a blowing agent is not employed in the preparation thereof. In response, the Examiner argues that JP '556 teaches foaming. In doing so, the Examiner relies on two disclosures: first, he points to the language of "when aiming at expansion of use expansion..." on page 2 of the translation; second, he asserts that page 1 of the instant specification admits that JP '556 is a foam.

With regard to the first assertion, the recitation of "when aiming at expansion of use expansion..." is actually found on page 1, paragraph 0003 of JP '556. In any event, the language of "when aiming at expansion of use expansion" of the translation of JP '556 has nothing to do with a foam. The language simply conveys the meaning of "in order to widen (i.e., expand) the development of its applications (i.e., uses)...." Thus, the language pointed out by the Examiner does not remotely disclose or suggest a foam. Therefore, the Examiner's reliance on this passage is improper.

With regard to the second assertion, Applicants respectfully disagree that there is an "admission" in the specification that the polyurethane recited in JP '556 is a polyurethane foam. The instant specification discloses on page 1, lines 17-22 that JP '556 discloses a process for preparing a thermoplastic polyurethane. Although not particularly pointed out by the Examiner, the Examiner may be attempting to rely on lines 22-25 of page 1, wherein it is stated, "However, there arises some defects in this process that the polyurethane foam is poor in heat resistance, compression permanent strain and cold resistance, when the molded article density is adjusted to a desired range of 0.4 to 0.8 g/cm³, and Asker C hardness is adjusted to 50 to 75."

This reliance is improper, however, since the passage does not refer to a foam in JP '556. Instead, the passage is simply referring to a foam having a molded article density of 0.4 to 0.8

g/cm³, but not to any foam supposedly disclosed in JP '556. As proof thereof, Applicants point out that the "foam" has poor heat resistance, whereas in line 19, it is disclosed that the thermoplastic polyurethane of JP '556 has excellent heat resistance. Therefore, it is clear that the last sentence of page 1 is referring to specific foam, and does not imply that JP '556 discloses a foam. In order to clarify this fact, Applicants amend the phrase "polyurethane foam" to "thermoplastic polyurethane" on page 1, line 23. This amendment is fully supported by the disclosure on page 1, lines 17-18 of the instant specification.

JP '556 fails to disclose or suggest a polyurethane foam. Instead, the polyurethane disclosed in JP '556 is a non-expanded polyurethane because a blowing agent is not employed therein. In fact, JP '556 does not even disclose a blowing agent. Thus, the polyurethane disclosed in JP '556 cannot be a foam since no blowing agent was used in the preparation thereof. On page 2, last paragraph of the outstanding Office Action, the Examiner asserts that JP '556 discloses the reaction of polyol components and isocyanates in the presence of catalysts and blowing agents. However, JP '556 fails to disclose a blowing agent. **Applicants respectfully request that the Examiner particularly point out the line wherein JP '556 discloses a blowing agent.** Applicants believe that the Examiner cannot point out where in JP '556 a

blowing agent is disclosed because a blowing agent simply does not exist in the disclosure of JP '556.

In addition, the Examiner makes other misstatements on page 2, last paragraph of the outstanding Office Action. Specifically, the Examiner asserts that JP '556 discloses the reaction of polyol components with isocyanates in the presence of catalysts. Applicants respectfully disagree. JP '556 does not disclose or suggest that a catalyst is used when the polyol components are reacted with the isocyanates. Instead, JP '556 simply discloses a catalyst which is used when a polyester polyol is prepared, such as titanium catalyst or a tin catalyst.

In summary, JP '556 fails to disclose preparations of polyurethane foams where polyol components are reacted with isocyanates in the presence of catalysts and blowing agents. For this reason, JP '556 fails to recite all of the disclosed elements of any one of the pending claims 1-11. Therefore, the rejection is improper and must be withdrawn.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-10 under 35 U.S.C. § 102(b) for allegedly being anticipated by Nodelman '279 (U.S. Patent 6,271,279 B1). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Nodelman '279 was filed on July 10, 2000, whereas the instant priority application JP 2000-147239 was filed on May 19, 2000. Thus, in order to overcome this rejection, Applicants submit herewith a verified translation of the priority document. The priority document supports the instant claims.

Since the present application has a priority date prior to the filing date of Nodelman '279, Nodelman '279 is not prior art against the present application. Withdrawal of the instant rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the above remarks fully address and overcome the rejections of record. The instant claims are now in condition for allowance. Early and favorable action by the Examiner is respectfully requested.

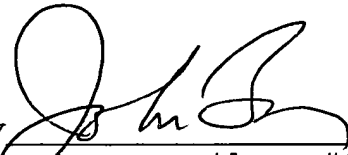
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees


required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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Attachments: English translation of JP 2000-147239